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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,114	03/30/2004	Stacey R. Rowlan	50847.00105	6573

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EXAMINER

WILSON, YOLANDA L

ART UNIT	PAPER NUMBER
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2113

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/815,114

Applicant(s)

ROWLAN ET AL.

Examiner

Yolanda L. Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>03/15/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Prabhu (USPN 6983398B2). As per claims 1,5,6, Prabhu discloses performing the first self test process in response to a first actuation of a test control by a user of the system; performing the second self test process in response to a second actuation of the test control prior to lapse of a first predefined period of time; and terminating the second self test process in response to a third actuation of the test control by the user of the system, wherein the third actuation is maintained for more than a second predetermined period of time in column 3, lines 22-27 and in column 5, line 64 – column 6, line 32.

3. As per claims 2,7,11 Prabhu discloses wherein the test control provides a one-bit binary signal having an actuated state and a non-actuated state in column 5, line 64 – column 6, line 32.

4. As per claims 3,8,12, Prabhu discloses further comprising advancing a presentation of test information in response to a fourth actuation of the test

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control by the user of the system during performance of the second self test process, wherein the fourth actuation is maintained for less than the second predefined period of time in column 5, lines 29-58.

5. As per claims 4,9, Prabhu discloses wherein the first self test process performs legacy functions of the system and the second self test process performs extended functions of the system in column 5, line 64 – column 6, line 32.

6. As per claim 10, Prabhu discloses a first processor that performs a first self test process in response to a first actuation of a provided test control by a user of the system; and a second processor that performs the second self test process in response to a second actuation of the test control prior to lapse of a first predefined period of time and terminates the second self test process in response to a third actuation of the test control by the user of the system, wherein the third actuation is maintained for more than a second predetermined period of time in column 3, lines 22-27 and in column 5, line 64 – column 6, line 32.

7. As per claim 13, Prabhu discloses wherein the first processor further performs legacy functions of the system in column 5, line 64 – column 6, line 32.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

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be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prabhu in view of Tran (US Publication Number 20060273929A1). As per claim 14, Prabhu fails to explicitly state wherein the first processor performs a traffic collision avoidance function and the second processor performs a terrain collision avoidance function.

Tran discloses this limitation on pages 1-2, paragraph 0009.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the first processor perform a traffic collision avoidance function and the second processor perform a terrain collision avoidance function. A person of ordinary skill in the art would have been motivated to have the first processor perform a traffic collision avoidance function and the second processor perform a terrain collision avoidance function because traffic collision avoidance and terrain collision avoidance are types of applications used to prevent collisions in specific devices.

Claim Rejections - 35 USC § 101

10. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 5 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 5 contain the limitations 'a memory comprising indicia of instructions...' This limitation states a program per

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se. A possible correction is 'A computer readable storage medium comprising computer readable instructions stored thereon to be executed on a processor, the instructions comprise...".

Claims 6-9 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 6 recites "means for performing...means for performing...means for terminating", as disclosed on page 3, paragraph 0012 of the specification. These claims merely recite software per se, which is not permissible under the Examination Guidelines for Computers - Related Inventions.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claim 6 recites the limitation "the first self test" in line 2. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 6 recites the limitation "the second self test" in line 4. There is insufficient antecedent basis for this limitation in the claim.

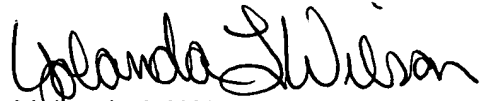
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda L. Wilson whose telephone number is (571) 272-3653. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645.

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The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Yolanda L Wilson
Examiner
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